

MARK D. PETERSON (State Bar #126174)  
KATHLEEN O. PETERSON (State Bar #124791)  
AMY HOWSE (State Bar # 252922)  
CATES PETERSON LLP  
4100 Newport Place, Suite 230  
Newport Beach, CA 92660  
Telephone: (949) 724-1180  
markpeterson@catespeterson.com  
kpeterson@catespeterson.com  
ahowse@catespeterson.com

Attorneys for Plaintiff  
TRAVELERS COMMERCIAL INSURANCE COMPANY

**UNITED STATES DISTRICT COURT**  
**FOR THE CENTRAL DISTRICT OF CALIFORNIA**

TRAVELERS COMMERCIAL  
INSURANCE COMPANY, a  
Connecticut corporation,

Plaintiff,

v.

NEW YORK MARINE AND  
GENERAL INSURANCE COMPANY,  
a New York corporation,

Defendants.

Case No.: 2:21-cv-5832-GW (PDx)  
Hon. George H. Wu  
Hon. M.J. Patricia Donahue

**(1) NOTICE OF MOTION AND  
MOTION OF PLAINTIFF  
TRAVELERS COMMERCIAL  
INSURANCE COMPANY TO  
CONSOLIDATE THIS ACTION  
FILED BY TRAVELERS WITH  
ACTION FILED BY DEFENDANT  
NEW YORK MARINE AND  
GENERAL INSURANCE  
COMPANY AGAINST INSURED;**

**(2) MEMORANDUM OF POINTS  
AND AUTHORITIES;**

**(3) DECLARATION OF MARK D.  
PETERSON; and**

**(4) REQUEST FOR JUDICIAL  
NOTICE.**

DATE: October 17, 2022  
TIME: 8:30 a.m.  
Courtroom: 9D

1 NEW YORK MARINE AND  
2 GENERAL INSURANCE COMPANY,  
a New York corporation,

3 Plaintiff,

4 v.

5 AMBER HEARD, an individual,

6 Defendant.

} Case No. 2:22-cv-04685-GW (PDx)  
} Hon. George H. Wu  
} Hon. M.J. Patricia Donahue

1 To all parties in both captioned cases above and to their attorneys of record:

2 Notice is hereby given that on October 17, 2022, at 8:30 a.m. in Courtroom  
3 9D in the United States District Court for the Central District of California, located  
4 at 350 W. 1st Street, Los Angeles, California 90012, Plaintiff Travelers Commercial  
5 Insurance Company (“Travelers”) will and hereby does move to consolidate for all  
6 purposes the action filed by Travelers, Case No.: 2:21-cv-5832-GW (PDx) (the  
7 “First Action”) with the action recently filed by Defendant New York Marine and  
8 General Insurance Company (“ProSight”) against the insured who is the subject of  
9 the action filed by Travelers. That second action was filed as Case No. 2:22-cv-  
10 04685 on July 8, 2022 (the “Second Action”).

11 This motion is brought under Rule 42 of the Federal Rules of Civil Procedure  
12 on the grounds that both cases involve similar issues of fact and law, the resolution  
13 of which will require much of the same evidence. As a result, it will be of great  
14 convenience to the Court and to all of the parties to consolidate the matters for all  
15 purposes. This will result in greater efficiency and it will eliminate the potential for  
16 inconsistent results. The Court should exercise its discretion and order consolidation  
17 of the two cases for all purposes, or on whatever other terms the Court believes are  
18 appropriate. Inasmuch as the Second Action was just filed and the First Action is  
19 heading toward an October 4, 2022, discovery cut-off and January 4, 2023, trial,  
20 consolidation must include vacating the current discovery cut-off and trial dates.  
21 Travelers further moves for an order vacating the current discovery cut-off and trial  
22 date in the First Action to permit the Court to set a consolidated case schedule for  
23 the two cases.

24 This motion is based upon this notice of motion and motion, and the  
25 concurrently filed memorandum of points and authorities, declaration of Mark D.  
26 Peterson, and request for judicial notice. This notice of motion and all related papers  
27 are being filed in both actions.

1 This motion is made following the conference of counsel required by Local  
2 Rule 7-3, which took place with counsel in this case on August 11, 2022. Counsel  
3 for ProSight in the First Action are also counsel for ProSight as plaintiff in the  
4 Second Action. There has not yet been an appearance on behalf of the defendant  
5 insured in the Second Action.

6 Dated: August 24, 2022

7 Respectfully submitted,

8  
9 /s/ Mark D. Peterson  
10 MARK D. PETERSON  
11 Of CATES PETERSON LLP  
12 Attorneys for Plaintiff  
13 TRAVELERS COMMERCIAL  
14 INSURANCE COMPANY  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28